## UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA FORT WAYNE DIVISION

EARLIE B.A. BERRY, JR.,	)	
Plaintiff	)	
v.	)	CAUSE NO. 1:10-CV-132 RM
KENNETH FRIES, et al.,  Defendants	) ) ) )	
	ORDER	

Earlie B.A. Berry, Jr., a *pro se* prisoner, was ordered to pay the \$350 filing fee for this case by July 6, 2010. He was cautioned that if he failed to do so, this case would be dismissed without further notice. The deadline has passed and Mr. Berry has not paid the filing fee or otherwise responded to the court's order. Therefore, this case will be dismissed. Nevertheless, Mr. Berry remains obligated to pay the filing fee using the methods of 28 U.S.C. § 1915. *See Newlin v. Helman*, 123 F.3d 429 (7th Cir. 1997).

For the foregoing reasons, the court:

- (1) DISMISSES this case WITHOUT PREJUDICE pursuant to FED. R. CIV. P. 41(b);
- (2) ORDERS the plaintiff Earlie B.A. Berry, Jr., IDOC #932151 to pay (and the facility having custody of him to automatically remit) to the clerk of this court 20 percent of the money he receives for each calendar month during which he receives \$10.00 or more, until the \$350.00 filing fee is paid in full; and

(3) DIRECTS the clerk of court to ensure that a copy of this order is mailed to each facility where the plaintiff is housed until the filing fee has been paid in full.

SO ORDERED.

ENTERED: August <u>9</u>, 2010

\_\_\_/s/ Robert L. Miller, Jr.
Judge
United States District Court